

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed September 9, 2005. Claims 1-15 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner allowed claims 1-9 and 12-15, rejected claim 10 and objected to claim 11. The present Response cancels claim 10 and amends claims 1, 4, 5, 9, 11, 12 and 15, leaving for the Examiner's present consideration claims 1-9 and 11-15. Reconsideration of the objection to claim 11 is requested.

I. OBJECTION TO THE SPECIFICATION

In the Office Action, the Examiner objected to the specification, writing that "The disclosure is objected to because of the following informalities: There is no summary section in the specification disclosure." See OA, page 2, item 2. Applicant traverses the objection.

Applicant requests that Paragraph [00021] be added between Paragraphs [0002] and [0003] of the originally submitted disclosure. It is submitted that no new matter is introduced by the addition of Paragraph [00021], and that Paragraph [00021] provides a summary section as required by the Examiner. Therefore, Applicant respectfully requests that the objection be removed.

II. REJECTION UNDER 35 U.S.C. §102(e) AS ANTICIPATED BY KUROIWA ET AL. (U.S. PAT. 6,757,129)

Claim 10

In the Office Action, the Examiner rejected claim 10 as being anticipated under 35 U.S.C. §102(e) by *Kuroiwa*. Applicant requests cancellation of claim 10.

III. ALLOWABLE SUBJECT MATTER

Claim 1-10, 12-15

Applicant appreciates the indication by the Examiner that claims 1-9 and 12-15 are allowable over the prior art. Applicant has made additional amendments to the allowed claims to further clarify the limitations of the claims and avoid confusion over the language contained therein. Such amendments are not made to define the invention over the prior art, nor are such amendments to be interpreted as a narrowing amendment in response to the prior art. Applicant submits that the amendments do not affect the patentability of the claims. Further, Applicant submits for purposes of claim interpretation, that the claims are not intended to be narrowed, but rather clarified, and that therefore an interpretation of the scope of the claims under the doctrine of equivalents should not be affected.

In the Office Action, the Examiner objection to claim 10 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." See OA, page 4, item 6. Applicant has amended claim 10, and submits that claim 10 as amended is allowable over the prior art. Therefore, Applicant respectfully requests that the objection to claim 11 be removed.

IV. CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 12/7/05

By: 
Michael L. Robbins
Reg. No. 54,774

Customer No. 23910
FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800